

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-5, 7, 9 and 10 are pending, with Claims 1 and 7 amended by the present amendment.

In the Official Action, the Figures were objected to; Claims 1 and 9 were objected to; Claims 1-5 and 7 were rejected under 35 U.S.C. § 101; Claims 1-5, 7 and 9 were rejected under 35 U.S.C. § 112, first paragraph; Claims 1 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Helgesen et al. (U.S. Patent No. 6,643,652, hereinafter “Helgesen”) in view of Gershman et al. ((U.S. Patent No. 6,199,099, hereinafter “Gershman”); and Claims 2-5, 7 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Helgesen and Gershman in view of Conner et al. (U.S. Patent No. 6,718,515, hereinafter “Conner”).

Applicants request acknowledgement of the IDS filed on October 16, 2001.

Applicants traverse the objection to the Figures and note that the features identified in the Official Action are shown in Figure 2. Should the objection to the drawings be maintained, Applicants respectfully request the Examiner contact Applicants’ representative to arrange a personal review of the specification, claims and figures.

Claims 1 and 9 are amended as requested in paragraph 4 of the Official Action. No new matter is added.

Paragraph 7 of the Official Action states that the Amendment filed on November 10, 2005 and early amendments are objected to under 35 U.S.C. § 132 because they introduce new matter into Disclosure. The purported added material includes: “directly, via the controller of the special service” in Claim 1 and “establishing a direct communication link” in Claim 9. Applicants traverse and note that the features in question are disclosed in

Applicants' originally filed specification on page 8, lines 36-37 and page 9, line 16, respectively.

Claims 1 and 7 are amended to overcome the rejection under 35 U.S.C. § 101. No new matter is added.

Briefly recapitulating, amended Claim 1 is directed to a portal application, embodied on a tangible computer readable medium, for providing access from a client to a multi-media service. The portal application includes a) a portal core service; b) a user management core service; and c) a plurality of special services, each structured according to a model-view-controller architecture. Each of the special services includes at least one model containing data; a controller for the respective special service, and at least one view for the presentation of the data of a model. Each of the plurality of special services are designed to communicate with each of a remaining plurality of special services via their respective controller.

Helgesen describes a system and method to translate data from a system specific local format to generic interchange format object, and vice versa, with predefined style sheets using generic components and a system specific service component which uses a native application programming interface of the specific local system.<sup>1</sup> However, as acknowledged by the Official Action, Helgesen does not disclose or suggest a system where in each of the plurality of special services are designed to communicate with each of a remaining plurality of special services via their respective controller.<sup>2</sup> The Official Action therefore asserts that Gershman discloses this claimed feature and that the combination of Helgesen and Gershman is proper.

Applicants submit that the combination of Helgesen and Gershman is improper for the following reasons. The counterpart of the core service and the special services recited in

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<sup>1</sup> Helgesen, Abstract.

<sup>2</sup> Official Action of page 9, lines 16-17.

Applicants' independent claims are the core services and applications of Helgesen. Figure 5 of Helgesen shows the core services 503 and applications 507. One problem addressed by Helgesen is that of circular dependencies.<sup>3</sup> Accordingly, the architecture of Helgesen is such that circular dependencies are avoided by "requiring that all dependencies be directed downwards." Thus, an application (i.e. a special service) may depend on one or more sets of core services ***but not on other applications***. A communication between several special services, as recited in Claim 1 (i.e., "each of the plurality of special services are designed to communicate with each of a remaining plurality of special services"), is therefore ***explicitly forbidden*** in the context of Helgesen. Thus, Applicants submit that Helgesen teaches away from Applicants' claimed invention and, thus, one skilled in the art would not diverge the teachings of Helgesen to apply the teachings of Gershman as suggested in the Official Action.

Claim 9 defines over Helgesen and Gershman for substantially the same reasons as those discussed above relative to Claim 1. Also, the Official Action asserts that Helgesen discloses a step of "establishing a communication between the client and the second special service." However, pending Claim 9 does not comprise such a step but instead recites establishing a direct communication link between the client and the second special service. Nothing in Helgesen discloses or suggests Applicants' claimed direct communication.

Conner describes a method in a server that substantiates a table format object the dynamic data abstraction with one of its set of data objects through a common interface. The common interface enables page developers to author customize data getter objects that are used to access data in the set of data objects. The dynamic data abstracted from the given data objects through the common interface are formatted into the table according to the table format object. Resulting table with dynamic data is then served back to the requesting client

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<sup>3</sup> Helgesen column 6, lines 18-25.


browser.<sup>4</sup> However, for reasons similar to those discussed relative to Claim 1 and Helgeson, Applicants submit that amended Claim 7 defines over Helgeson, Gershman and Conner.

MPEP §706.02(j) notes that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Also, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicants submit that the Official Action does not present a *prima facie* case of obviousness because Helgeson teaches away from the claim invention and because Helgeson fails to disclose the features of Applicants' claimed invention asserted by the Official Action.

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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<sup>4</sup> Conner, Abstract.